UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,109	10/29/2003	Robert Wright	030305 (BLL-0114)	6914

7590 10/18/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/696,109	WRIGHT ET AL.
Office Action Summary	Examiner	Art Unit	
	Monica M. Pyo	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2 August 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the Amendment filed 8/2/2006.

2.   · Claims 1-21 are currently pending in this application. Claims 1, 16 and 21 are

independent claims. In the Amendment filed 8/2/2006, claims 1, 16 and 21 were amended. This

is made Final.

Claim Objections

3.   Claims 1, 16 and 21 are objected to because of the following informalities:

-       Applicant recites the phrase "a segmented data file" (i.e., ln. 3 of claim 1). The

phrase "a segmented data file" should be changed to "said segmented data file" since the phrase

"segmented data file" is already recited (i.e., ln. 1 of claim 1).

-       Applicant recites the phrase "said data file" (i.e., lns. 4 and 8 of claim 1). The

phrase "said data file" should be changed to "said segmented data file" in these claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-3, 6-8, 10-13, 15-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,757,691 issued to Welsh et al. (hereinafter Welsh) in view

of the web page published by "GO.com" (02/05/2002) (hereinafter GO).

Regarding Claim 1, Welsh disclose that it is well known in the art that a method for

providing delivery of segmented data files comprising:

- **receiving a request to send a data file to a target device,** as a browser receiving

   an instruction from a user to access a web document (Welsh: col. 1, lns. 35-39 &

   63-66; fig. 2);

- **querying a directory for one or more segments included in said data file,** as a

   content category associated with the received content choices are determined

   (Welsh: col. 1, lns. 63-67; col. 2, lns. 1-15; col. 4, lns. 21-27);

- **selecting one said source location for each said segment,** as a user being able

   to access by specifying a network address (Welsh: col. 1, lns. 63-col. 2, lns. 11;

   fig. 3); **and**

- **transmitting said data bundle from each said selected source location to said**

   target device, as a display of corresponding resource (Welsh: col. 2, lns. 8-15).

Welsh does not explicitly disclose:

- **a segmented data file,** as a GO.COM web page;

- **for each said segment determining one or more source locations containing**

   data bundles corresponding to said segment, wherein at least one of the

   segments included in said data file corresponds to a plurality of said source

   locations;

However, GO discloses:

- **a segmented data file,** as a GO.COM web page (GO: page 1);

-        **for each said segment determining one or more source locations containing**

data bundles corresponding to said segment, wherein at least one of the

segments included in said data file corresponds to a plurality of said source

locations, as a "GO.COM" web page as a data file, "NEWS.com" section of first

column as a segment, different titles of news as different source locations (GO:

page 1);

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the web page display with many contents of GO in the content choice by

searching a profile database of Welsh. Skilled artisan would have been motivated to combine the

GO's teaching of displaying different contents from by sections under one page in the Welsh's

teaching of managing user's content choice to utilize GO's display of different contents from

different sources under each section.

Regarding Claim 2, Welsh and GO disclose the method further comprising updating said

directory with pointers to said target device for each said data bundle transmitted to said target

device (Welsh: col. 2, lns. 8-15; col. 5, lns. 38-40).

Regarding Claim 3, Welsh and GO disclose the method wherein said request is from said

target device (Welsh: col. 1, lns. 63-66).

Regarding Claim 6, Welsh and GO disclose the method further comprising:

receiving said data file (Welsh: col. 1, lns. 35-39 & 63-66; fig. 2);

segmenting said data file into data bundles (Welsh: col. 2, lns. 5-11; fig. 3);

staging said data bundles to one or more said source locations (Welsh: col. 1, lns. 63-67;

col. 2, lns. 1-15); and

updating said directory to reflect said data bundles and said source locations for said data

file (Welsh: col. 2, lns. 1-15; col. 5, lns. 38-40).

Regarding Claim 7, Welsh and GO disclose the method wherein said selecting is

responsive to a network topology (Welsh: col. 1, lns. 56-62).

Regarding Claim 8, Welsh and GO disclose the method wherein said selecting is

responsive to capabilities at said one or more source locations (Welsh: col. 2, lns. 5-15).

Regarding Claim 10, Welsh and GO disclose the method wherein said data file includes

one or more of audio and video (Welsh: col. 1, lns. 1-19).

Regarding Claim 11, Welsh and GO disclose the method wherein said target device is a

personal computer (Welsh: col. 1, lns. 35-39).

Regarding Claim 12, Welsh and GO disclose the method wherein said target device

includes a video server (Welsh: col. 1, lns. 1-19).

Regarding Claim 13, Welsh and GO disclose the method wherein said target device

includes an audio server (Welsh: col. 1, lns. 1-19).

Regarding Claim 15, Welsh and GO disclose the method wherein said target device is

any device capable of storing said data file (Welsh: Welsh: col. 1, lns. 19-24).

Regarding Claim 16, Welsh disclose a system for providing delivery of segmented data

files comprising:

- **a data file accessible via a network,** as resources being available in a network

   (Welsh: col. 1, lns. 35-51);

- **a directory accessible via said network,** as various resources being accessible

   via a network (Welsh: col. 2, lns. 8-15);

- **a target device in communication with said network,** as a communication link

   (Welsh: col. 1, lns. 51-62); and

- **a network element in communication with said network including**

   instructions to implement a method including, as a dedication of its own set of

   duties (Welsh: col. 1, lns. 46-54):

   o **receiving a request via said network to send said data file to said target**

      device, as a browser receiving an instruction from a user to access a web

      document (Welsh: col. 1, lns. 35-39 & 63-66; fig. 2);

   o **querying said directory via said network for one ore more segments**

      corresponding to said data file, as a content category associated with the

received content choices are determined (Welsh: col. 1, lns. 63-67; col. 2, lns. 1-15);

- o **selecting one said source location for each said segment** , as a user being able to access by specifying a network address (Welsh: col. 1, lns. 63-col. 2, lns. 11; fig. 3);

- o **transmitting said data bundle via said network from each said selected source location to said target device,** as a display of corresponding resource (Welsh: col. 2, lns. 8-15).

Welsh does not explicitly disclose:

- **a segmented data file,** as a GO.COM web page;

- **for each said segment determining one or more source locations containing data bundles corresponding to said segment, wherein at least one of the segments included in said data file corresponds to a plurality of said source locations;**

However, GO discloses:

- **a segmented data file,** as a GO.COM web page (GO: page 1);

- **for each said segment determining one or more source locations containing data bundles corresponding to said segment, wherein at least one of the segments included in said data file corresponds to a plurality of said source locations,** as a "GO.COM" web page as a data file, "NEWS.com" section of first column as a segment, different titles of news as different source locations (GO: page 1);

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the web page display with many contents of GO in the content choice by

searching a profile database of Welsh. Skilled artisan would have been motivated to combine the

GO's teaching of displaying different contents from by sections under one page in the Welsh's

teaching of managing user's content choice to utilize GO's display of different contents from

different sources under each section.

Regarding Claim 18, Welsh and GO disclose the system wherein said network includes

the Internet (Welsh: col. 1, lns. 56-59).

Regarding Claim 19, Welsh and GO disclose the system wherein said network includes a

broadband network (Welsh: col. 5, lns. 43-47).

Regarding Claim 20, Welsh and GO disclose the system wherein said network is any

network capable of transmitting data from one location to another location (Welsh: col. 1, lns.

35-39 & 46-51).

Regarding Claim 21, Welsh disclose a computer program product for providing delivery

of segmented data files, the computer program product comprising:

a storage medium readable by a processing circuit and storing instructions for

execution by the processing circuit for performing a method comprising, as the system

(Welsh: col. 1, lns. 19-29):

- **receiving a request to send a data file to a target device,** as a browser receiving an instruction from a user to access a web document (Welsh: col. 1, lns. 35-39 & 63-66; fig. 2);

- **querying a directory for one or more segments included in said data file,** as a content category associated with the received content choices are determined (Welsh: col. 1, lns. 63-67; col. 2, lns. 1-15; col. 4, lns. 21-27);

- **selecting one said source location for each said segment,** as a user being able to access by specifying a network address (Welsh: col. 1, lns. 63-col. 2, lns. 11; fig. 3); **and**

- **transmitting said data bundle from each said selected source location to said target device,** as a display of corresponding resource (Welsh: col. 2, lns. 8-15).

Welsh does not explicitly disclose:

- **a segmented data file,** as a GO.COM web page;

- **for each said segment determining one or more source locations containing data bundles corresponding to said segment, wherein at least one of the segments included in said data file corresponds to a plurality of said source locations;**

However, GO discloses:

- **a segmented data file,** as a GO.COM web page (GO: page 1);

- **for each said segment determining one or more source locations containing data bundles corresponding to said segment, wherein at least one of the segments included in said data file corresponds to a plurality of said source**

locations, as a "GO.COM" web page as a data file, "NEWS.com" section of first

column as a segment, different titles of news as different source locations (GO:

page 1);

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the web page display with many contents of GO in the content choice by

searching a profile database of Welsh. Skilled artisan would have been motivated to combine the

GO's teaching of displaying different contents from by sections under one page in the Welsh's

teaching of managing user's content choice to utilize GO's display of different contents from

different sources under each section.

6.   Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh in

view of GO as applied to claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of

U.S. Patent No. 6,862,594 issued to Saulpaugh (hereafter Saulpaugh).

Claim 4:

Regarding Claim 4, Welsh and GO do not explicitly disclose the method further

comprising retransmitting said data bundle from one of said selected source locations in response

to a transmission error.

However, Saulpaugh disclose the method further comprising retransmitting said data

bundle from one of said selected source locations in response to a transmission error (Saulpaugh:

col. 54, lns. 50-61).

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the flexible searching criteria service of Saulpaugh in the web page display

with many contents of GO and in the content choice by searching a profile database of Welsh.

Skilled artisan would have been motivated to combine the Saulpaugh's teaching of retransmitting

a data when an error occurs and utilizing a wireless network environment in the GO's teaching of

displaying different contents from by sections under one page and in the Welsh's teaching of

managing user's content choice to utilize the wireless network and accessing a service in a

distributed computing environment (Saulpaugh: col. 8, lns. 27-36).

Regarding Claim 17, Welsh and GO and Saulpaugh disclose the system wherein said

network includes a wireless network (Saulpaugh: col. 15, lns. 33-42).

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh in view of

GO as applied to claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S.

Patent Application Publication No. 2004/0236785 by Greiner (hereafter Greiner).

Claim 5:

Regarding Claim 5, Welsh and GO do not explicitly disclose the method further

comprising transmitting instructions for reassembling said data file from said data bundles.

However, Greiner disclose the method further comprising transmitting instructions for

reassembling said data file from said data bundles (Greiner: [0042], lns. 4-7 & 11-16).

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the reassembling instruction of Greiner in the web page display with many

contents of GO and in the content choice by searching a profile database of Welsh. Skilled

artisan would have been motivated to combine the Greiner's teaching of transmitting the

instruction to reassemble the data in the GO's teaching of displaying different contents from by

sections under one page and in the Welsh's teaching of managing user's content choice to utilize

the improved method and system for uploading data from first device to second device over a

communication network (Greiner: [0006], lns. 1-5).

8.   Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh in

view of GO as applied to claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of

U.S. Patent No. 6,486,892 issued to Stern (hereafter Stern).

Claim 9:

Regarding Claim 9, Welsh and GO do not disclose the method wherein said data file

includes one or more of a software package, a software patch and a software upgrade.

However, Stern disclose the method wherein said data file includes one or more of a

software package, a software patch and a software upgrade (Stern: col. 7, lns. 45-50).

It would have been obvious to a person with ordinary skill in the art at the time of

invention to apply the system to accessing and manipulating information of Stern in the web

page display with many contents of GO and in the content choice by searching a profile database

of Welsh. Skilled artisan would have been motivated to combine the Stern's teaching of

receiving periodic updates of predetermined information in the GO's teaching of displaying

different contents from by sections under one page and in the Welsh's teaching of managing

user's content choice to utilize the periodic and automatic queries to sites containing information

relevant to the user (Stern: col. 1, lns. 50-56).

Regarding Claim 14, Welsh and GO and Stern disclose wherein said target device is a

hand held device with storage capability including one or more of a telephone, a personal digital

assistant and an audio player (Welsh: col. 1, lns. 1-19) and (Stern: col. 7, lns. 61-67).

Response to Arguments

9.   Applicant's arguments with respect to claims 1-21 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The

examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                     Monica M Pyo
                                                     Examiner
                                                     Art Unit 2161

mp
10/6/2006

Leslie Wong
Primary Examiner